

MTSA/ISPS POLICY ADVISORY COUNCIL

September 9, 2005

Policy

US Flagged Small Passenger Vessels with SOLAS Documents 60-05

FINAL

Issue (60-05): In addition to using facilities which are regulated by 33 CFR Part 105, what options are available for US flagged Small Passenger Vessels (SPV) that carry SOLAS documents?

Policy:

Owners or operators of U.S. SPV's (vessels certificated to carry 150 or less passengers) that carry SOLAS documents must request a waiver from the requirement to use U.S. facilities regulated by 33 CFR Part 105. Any owner or operator of a SPV that carries SOLAS documents is eligible for this waiver. Waiver requests must be submitted in writing with justification to Commandant (G-MP) in accordance with 33 CFR 104.130.

G-MP's response to waiver requests will state that the SPV must absorb the security requirements normally performed by the facility, including increasing the amount of passenger and baggage screening and implementing security measures for the current MARSEC level in accordance with their Vessel Security Plans (VSPs). SPV's remain responsible for meeting the requirements of MARSEC Directives 104-1 and 104-2 for those passengers re-boarding the vessel during port calls, and communicate with the Captain of the Port (COTP) in the regions in which they are planning to operate under this alternative policy. Prior to departing for a foreign port, and when first returning from a foreign port, the SPV must moor at a 33 CFR Part 105 compliant facility.

When applying the guidance of this policy, the definition of what constitutes a voyage is critical. The definition of voyage is "the vessel's entire course of travel, from the first port at which the vessel embarks passengers until its return to that port or another port where the *majority* of the passengers disembarks and terminates their voyage."

The categories of vessels that are eligible to request this waiver include:

- (1) US Flagged SPV's engaged on international voyages to Canada with passengers for hire;
- (2) US Flagged SPV's engaged on international voyages to other countries with no passengers for hire; and
- (3) US Flagged SPV's engaged on non-international voyages with passengers for hire (while engaged on these non-international voyages, the vessel chooses to keep SOLAS documents onboard the vessel.)

Generally, the response to vessels asking for this waiver will include the following provisions:

- (1) This waiver applies in U.S. waters when the vessel is engaged on an international voyage between U.S. and Canadian ports or marine facilities, or when the vessel is on a non-international voyage;
- (2) The first marine facility that receives the vessel when arriving from a foreign port or marine facility must be a 33 CFR Part 105-regulated facility;
- (3) The last marine facility that receives the vessel prior to departing for a foreign port or marine facility must be a 33 CFR Part 105-regulated facility;
- (4) At the port of embarkation, all unaccompanied baggage and passengers, along with their baggage and personal effects, must be screened either by a 33 CFR Part 105-regulated facility or by the vessel;
- (5) All other facilities that receive the vessel when it is operating in the United States do not need to be regulated by 33 CFR Part 105. This category includes facilities that interface with vessels dropping passengers off to sightsee, visit restaurants, shop, etc. Before the facility can be used, either the vessel or the facility must notify the Captain of the Port (COTP) in writing at least 30 days prior to the vessel's arrival and must include a copy of this letter in the notification package. The COTP must be notified immediately of any changes to the submitted schedule;
- (6) While interfacing with a non-33 CFR Part 105-regulated facility, the vessel must implement security measures for the current MARSEC level in accordance with its Vessel Security Plan (VSP). This policy does not excuse vessels from their requirements to screen passengers at port calls following their initial embarkation in accordance with MARSEC Directives 104-1 and 104-2 (i.e. a certain percentage of persons, baggage, and personnel effects would be screened after the passengers rejoin a vessel after eating dinner at a shore-side establishment).

In cases where the VSP requirements differ from what is expressed in this policy, the more stringent provisions shall be implemented.